

June 21, 2005

County of Cos Angeles Sheriff's Department Keadquarters 4700 Ramona Boulevard Monterey Park, California 91754-2169



Deputy Michael Carpenter, #

Dear Deputy Carpenter:

On April 20, 2005, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2125220. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of one (1) day. However, pursuant to a settlement agreement between you and the Department, the one (1) day will be held in abeyance for a period of twelve (12) months which will end on May 17, 2006. If you should become the Subject of a founded administrative investigation, with similar violations, and the event occurred within the prescribed twelve (12) month time period, the one (1) day held in abeyance will be imposed. Additionally, you will be subject to further discipline for each and every founded violation of the Department's Manual of Policy and Procedures. All Departmental records will reflect, nevertheless, that you received a one (1) day suspension.

An investigation under File Number IAB 2125220, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (specifically as it relates to North County Correctional Facility Unit Order #07-044/00, Handling Potentially Violent Inmates), on or about July 27, 2004, you failed to perform your duties in a manner which would tend to establish and maintain the highest standards of efficiency in carrying

out the functions and objectives of the Department when you attempted to transfer a potentially violent inmate without requesting the presence of a supervisor and/or not having the supervisor for the dorm present to direct a planned and coordinated resolution to the situation and/or not having a video camera present and/or not notifying the building sergeant before any enforcement action was taken and/or used poor tactics resulting in physical force having to be used when better tactics and other avenues such as pepper spray were available, and/or did not handcuff the inmate as soon as possible, but instead, escorted him into a day room while having him in a control hold, thereby escalating the situation instead of deescalating it.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Gregory H. Johnson, Captain Commander, North County Correctional Facility

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

GHJ:KM:rjb

c: Advocacy Unit Sammy L. Jones, Chief, Custody Operations Division Internal Affairs Bureau Personnel Administration Office of Independent Review (OIR) North County Correctional Facility/unit Personnel File

RECEIVED

MAY 1 9 2005

SETTLEMENT AGREEMENT

EMPLOYEE RELATIONS

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Michael Carpenter, Employee Number hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated April 20, 2005, (IAB No. 2125220) upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

- The Department will, upon execution of this Agreement, reduce the intended two (2) day suspension to a one (1) day suspension. The Letter of Imposition shall contain the same charges as the Letter of Intent.
- The Department will, upon execution of this Agreement, hold the one
 day in abeyance.
- 3. The Grievant understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this Agreement, the one (1) day held in abeyance shall be imposed. In addition, the Grievant understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.
- 4. Both parties agree and understand that the Grievant's records will reflect that the one (1) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."
- 5. The Grievant agrees to withdraw his grievance and waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above.
- 6. The parties further agree that this Settlement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.



- 7. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.
- 8. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:
 - "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."
- 9. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.
- 10. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the foregoing Settlement Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: <u>5-18-05</u> Date: <u>5-18-05</u>

Michael Carpenter, Deputy

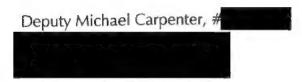
Gregory H. Johnson, Captain



County of Los Angeles Sheriff's Department Headquarters 4700 Ramona Boulevard Monterey Park, California 91754-2169



April 20, 2005



Dear Deputy Carpenter:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of two (2) days.

An investigation under File Number IAB 2125220, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

That in violation of Manual of Policy and Procedures Sections 3-1. 01/050.10, Performance to Standards and/or 3-01/030.10, Obedience to Laws, Regulations and Orders (specifically as it relates to North County Correctional Facility Unit Order #07-044/00, Handling Potentially Violent Inmates), on or about July 27, 2004, you failed to perform your duties in a manner which would tend to establish and maintain the highest standards of efficiency in carrying out the functions and objectives of the Department when you attempted to transfer a potentially violent inmate without requesting the presence of a supervisor and/or not having the supervisor for the dorm present to direct a planned and coordinated resolution to the situation and/or not having a video camera present and/or not notifying the building sergeant before any enforcement action was taken and/or used poor tactics resulting in physical force having to be used when better tactics and other avenues such as pepper spray were available, and/or did not handcuff the inmate as soon as possible, but instead, escorted him into a day room while having him in a control hold, thereby escalating the situation instead of de-escalating it.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

You may receive a copy of the material on which the discipline is based by contacting Reba Barnes of the Internal Affairs Bureau at (323) 890-5314, and arranging an appointment during the ten (10) day period in which you may respond.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Gregory H. Johnson, A/Captain Commander, North County Correctional Facility

GHJ:KM:rjb

c: Advocacy Unit
Employee Relations Unit
Sammy L. Jones, A/Chief, Custody Operations Division
Internal Affairs Bureau
Office of Independent Review (OIR)
(File # IAB 2125220)

DATE:

February 16, 2005

OFFICE CORRESPONDENCE

FILE:

FROM:

JOHNNY G. JURADO, COMMANDER LEADERSHIP & TRAINING DIVISION TO: ARTHUR NG, CAPTAIN

NORTH COUNTY CORRECTIONAL

FACILITY

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS USE OF FORCE, JULY 27, 2004, INVESTIGATION #2125220

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on July 27, 2004.

The Committee met on February 10, 2005, and consisted of myself, and Commanders Eric Smith (Leadership & Training Division) and Robert Binkley (FOR III). The Committee deemed:

- as Founded the allegation that Deputy Michael Carpenter # violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and
- as Unresolved the allegation that Deputy Michael Carpenter # violated the Department's Manual of Policy and Procedure section(s) 3-01/025.00, Use of Force, and
- as Founded the allegation that Deputy Casey Cheshier # violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and
- as Unresolved the allegation that Deputy Casey Cheshier # violated the
 Department's Manual of Policy and Procedure section(s) 3-01/025.00, Use of
 Force, and
- as Founded the allegation that Deputy # violated the Department's Manual of Policy and Procedure section(s) 3-01/050.10, Performance to Standards, and

The Committee recommended that Deputy Cheshier be suspended for a period of three (3) days without pay from the position of Deputy; that Deputy be suspended for a period of two (2) days without pay from the position of Deputy; and that Deputy Carpenter be suspended for a period of two (2) days without pay from the position of Deputy

JGJ:KRK:kk

Table of Contents

Supervisor Report on Use of Force

Personnel Investigation Report

IAB Investigative Narrative

Exhibits

Exhibit A-Medical Records for Inmate Hartley
Exhibit B-Photos of Inmate Hartley's Injuries
Exhibit C-Sheriff's Department Incident Reports and Supplemental Reports

Miscellaneous Documents

In Service Sheet Admonition of Administrative Rights for Subjects and Witnesses Request for IAB

Los Angeles County Sheriff's Department Supervisor's Report on Use of Force Page 1 of 4

		Incid	dent Informat	ion					
URN:	004-00945	-5640-058	Da	ite:	07/27/	04	Time:	0330	
Location:			29340 The	Old Road					
City or Statio	on:		C	astaic					
Bureau/Stati	on/Facility:	North County Cor	rectional Facili	ty	Ad	lmin. la	nvestigation: Y	ES 🛛	ио□
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W-1							- "		
Watch Comr	nander's Signature:						Emp #:		
o - D	ed to Employee by:						Emp #:		
Copy Provide	ed to Employee by: .								
Owner Completing Form:		John T. Clear	У			Emp #:			
Supervisor Completing Form:			(Print)						
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Unit Comma	nders Signature:								
		1							
	PSTD Use Only						Original: Un	it Comm	ander

PSTO Use Only FO# 2124592

Original: Unit Commander Copy: P.S.T.D.Headquarters,

Employee

Superisor's Report on Use of Farce

004-00945-5640-058

Method (PO) Personal Weapon (Other) (FH) Firearm (Handgun) (AW) Arwen (RS) Resistance (FR) Firearm (Rifle) (BC) Baton: (Control) (FS) Firearm (Shotgun) (CN) Restraint Device (Capture Net) (BI) Baton (Impact) (RH) Restraint Device (Handcuffs) (FO) Firearm (Other) (BF) Bodily Fluids (HB) Restraint Device Hobble (Legs Only) (FB) Flashbang (CN) Canine (TP) Restraint Device: Hobble (TARP) (CR) Carotid Restraint (FL) Flashlight (RE) Restraint Device, REACT Beit (OE) Other Weapon: Edged (CH) Choke Hold (OV) Other Weapon: Vehicle (SP) Sap (CT) Control Holds: (Control Techniques) (OB) Other Weapon. Blunt Object (SH) Shield (TT) Control Holds. (Team Takedown) (SG) 37mm Stinger (OO) Other Weapon: Other (TD) Control Holds: (Takedown) (PK) Personal Weapon: Feet/Leg: (Kick) (SB) Sting Bail (CE) Chemical (PS) Personal Weapon, Feet/Leg. (Sweep) (ST) Stun Bag (OC) Chemical Agents (OC Spray)

(PH) Personal Weapon (Hand/Arm)

(PP) Personal Weapon (Push)

Type of Injury		
(AB) Abrasion (BR) Bruise (BU) Burn (CP) Complaint of Pain (CO) Concussion (DH) Death (DI) Dislocation	(DB) Dog Bite (FR) Fractures (GS) Gunshot (HB) Human Bite (LC) Lacerations (ND) Nerve Damag (OD) Organ Damag	(PA) Paralysis (PW) Puncture Wound (SD) Soft Tissue Damage (ST) Sprain/Twists (UN) Unconscious (RM) Refused Med Treatment (Je (NN) NONE

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Body	r Part Injur	eď
(AD)	Abdomon	7E

(TR) Taser

(UC) Uncooperative

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		Arm		Fingers	(KN)	Knees
		Back		Genitals	(LE)	Leg
		Buttocks	(GR)	Groin	(NK)	Neck
ĺ		Chest	(HD)	Hands		Nose
		Elbow	(HE)	Head		Shoulder
1] ` ′		• •		(WR)	Wrist

Page 2 of 4

FORCE APPLIED

(TG) Chemical Agents (Tear Gas)

(EX) Explosives

(Only One Code Per Block)

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Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Type of Injury (Code)	Body Part (Code)
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E1	S1	PH	BR	FA
E1	S1	PH	₿R	HD
E1	S1	PH	BR	CH
E1	S1	CT	NN	
S1	E1	RS	NN	
S1	E1	PK	NN	
S1	E1	PH	NN	
E2	S1	TD	NN	
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Supervisor's Report on Use of Force INVOLVED EMPLOYEE INFORMATION

г	URN: 004-00945-	5640-058			Page <u>3</u> of <u>4</u>
L	URN: 004-00945-	Involved E	mployee		
E1	Employee# Last Name		First Na	Michael	Middle Name
-	Sex: Race	Unit of Assignment: NCCF			ont (Unit #, Module, etc.). OSJ
Ī	Shift: Day PM	Regular Shift 🛛 OT Shift		Height: 6'02" Coroner Case #	235
	- (max [7] lf/	Admitted, Name of spital:			Significant Force
E2	Employee # Last Nam	Million of the	First Na		Middle Name ent (Unit #, Module, etc.).
	Sex: Race Male Female W	Unit of Assignment. NCCF			Staff Station
		Regular Shift OT Shift	Off Duty	5'11' Coroner Case	205 Directed Force
	Medical Exam/Treatment Ho	ospital:	First N	ame	Significant Force Middle Name
E <u>3</u>	Employee # Last Nam		- First No		ent (Unit #, Module, etc.):
	Male Female H	NCCF		Age Height	t: Weight:
	EM Day L	Regular Shift OT Shift	Off Duty	5'10 Coroner Case	# Directed Force
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	Medical Exam/Treatment Ho			Significant Force	
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	Sex: Race	: Unit of Assignment:		Age: Heigi	
	Shift: Day PM	Regular Shift OT Shift	t Off Duty	Coroner Cas	se# Directed Force
		spital:			Significant Force

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Superisor's Report on Use of Superisor's Report of Superisor's Repo

	URN: 00		Page <u>4</u> of <u>4</u>							
			Suso	ect Inform	Information					
1	Last Name	Hartley		st Name	Non	/al Midd	le Name	Lament		
<u>-</u>	AKA Last Name			First Nan	ne .	Mi	iddle Name			
	Sex: Male Female	1 10 0 1	Street Address:			City.	State	& Zip Code:		
	Work Phone:	Home Pho		Age: 34	Height: 5'11"	D.O.B. 10/01/1969	Weight: 190	Armed?		
	Booking #: 8152912	Primary C			Secondary			nınal History		
			Treatment At:		C Med Cent	er Coroner	Case#: Mer	ntal History		
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<u>'</u> _	AKA Last Name	Firs			ne	M	Middle Name			
	Sex:	Race:	Street Address:			City:	State	& Zip Code:		
	Work Phone:	Home Pho	one.	Age:	Height:	D.O.B.	Weight	: Armed?		
	Booking #: Primary Charge:				Secondary			minal History		
	Hospital Admission?	Rec'd	Treatment At:			Coroner	Case#: Me	ntal History		
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See Other Side

COUNT F LOS ANGELES SHERIFF'S DEFERTMENT PERSONNEL INVESTIGATION 2125220 North County Correctional Facility 07/27/2004 2 MANUAL SECTIONS ALLEGEDLY VIOLATED (BY TITLE AND No.) 3-01/050.10-Performance to Standards; 3-01/030.15-Conduct Toward Others; RELATED URN FILE No. IF APPLICABLE DATE, TIME, DAY OF OCCURRENCE 004-00945-5640-058 07/27/2004, 0330 LOCATION OF OCCURRENCE N.C.C.F. 29340 The Old Road, Castaic OTHER SOURCES (SPECIFY) W/C REPORT No. SUPERVISION COMMUNITY SOURCE OF COMPLAINT: RANK OR TITLE M.L FIRST NAME SUBJECT Deputy Michael OF 3 Carpenter No. 1 DIVISION OR REGION UNIT OF ASSIGNMENT **Custody Operations Division** 10/06/2002 N.C.C.F. STATUS OF SUBJECT
CONTINUING ON DUTY OTHER RELIEVED OF DUTY - REASSIGNED TO WEIGHT DOB HEIGHT 602 200 Green Brown White Male INTERVIEW TAPE RECORDED ON ED TO BANK TIME DATE OF HIRE SIDE A B DATE TAPE Digital OF 09/22/1999 DISCIPLINE MANUAL SECTION(S) VIOLATED LAB. FILE NO RANK OR TITLE LIAST NAME SUBJECT Deputy No. 2 3 ISION OR RÉGION UNIT OF ASSIGNMENT **Custody Operations Division** N.C.C.F. STATUS OF SUBJECT OTHER RELIEVED OF DUTY - REASSIGNED TO CONTINUING ON DUTY AGE WEIGHT HEIGHT EYES SEX 200 511 Blue Brown White Male INTERVIEW TAPE RECORDED ON SIDE A B TIME DATE OF HIRE DATE 11/02/1997 DISCIPLINE LAB FILE No ADDITIONAL COMPLAINANTS, WITNESSES, OR SUBJECTS ON SUPPLEMENTAL PAGES YES NO CODE: C - COMPLAINANT, W - WITNESS D.O.E sex Male FIRST NAME 10/01/1969 LAST NAME Black Norval 1 of 2 Hartley RES. PHONE (AREA CODE) CDL OR LASD EMPLOYEE NO. BUS. PHONE (AREA CODE) UNIT OF ASSIGNMENT BUSINESS ADDRESS OR INTERVIEW TAPE RECORDED ON TIME DATE SIDE TAPE Digital OF D.O.B. RACE SEX FIRST NAME No. 2 OF 2



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CODE: C - COMPLAIN	IANT, W - WITNESS				
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BUSINESS ADDRESS N.C.C.F.	OR UNIT OF ASSIGNMENT		CDL OR LASD EMPLOYEE NO.	BUS. PHONE (AREA CODE) (661) 295-7810	
INTERVIEW TAPE RECO	RDED ON OF	SIDE A B	DATE	TIME	
CODE W No. 2 OF	LAST NAME Wolfe	FIRST NAME Michael	W.I.	Male RACE White	Ĺ
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INTERVIEW TAPE RECO	DRDED ON TAPE OF	SIDE A B	DATE	TIME	
CODE W No. 5 OF	LAST NAME Ramirez	FIRST NAME Ryan	M.L.	SEX Male Hispanic RES. PHONE (AREA CODE)	
BUSINESS ADDRESS N.C.C.F	OR UNIT OF ASSIGNMENT		CDL OR LASO EMPLOYEE NO.	BUS. PHONE (AREA CODE) (661) 295-7810)
INTERVIEW TAPE RECO	ORDED ON TAPE OF	SIDE A B	DATE	TIME	//
CODE No. 6 OF	LIASTNAME	FIRST NAME.	M.I.	SEX Male Hispanic Hispanic RES. PHONE (AREA CODE)	
RESIDENCE ADDRESS			CDL OR LAST EMPLOYEE NO.	Tour duons (ADSA CODE)	
BUSINESS ADDRESS N.C.C.F	OR UNIT OF ASSIGNMENT			(661) 295-7810)
INTERVIEW TAPE RECO	TAPE OF	SIDE A B	DATE	TIME	
W No. 7 OF	LAST NAME	FIRST NAME	MI	Male RACE Hispanic RES. PHONE (AREA CODE)	- 24-2 5
BUSINESS ADDRESS	OR UNIT OF ASSIGNMENT		CDL OR LASD EMPLOYEE NO. Bkg #	BUS. PHONE (AREA CODE) ()	
INTERVIEW TAPE RECO	DRDED ON TAPE OF	SIDE A B	DATE	TIME	12
CODE W No. 8 OF	LIASTNAME	FIRST NAME	M.L.	SEX Male Black RES. PHONE (AREA CODE)	
BUSINESS ADDRESS	OR UNIT OF ASSIGNMENT		CDL OR LASD EMPLOYEE NO. Bkg #	BUS. PHONE (AREA CODE) ()	
INTERVIEW TAPE RECO	ORDED ON TAPE OF	SIDE A B	DATE	TIME	